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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,206	08/22/2001	James Michael Rivers		7037

7590 08/19/2004

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/934,206

Applicant(s)

RIVERS ET AL.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the first Office Action for serial number 09/934,206, Adjustable Support Strap for pipes and the like, filed on August 22, 2001. Claims 1 and 2 are pending.

#### ***Specification***

The disclosure is objected to because of the following informalities: on page 4, lines 10 and 20 "conduct" should be --conduit--; on page 5, line 4 "include" should be --includes--. Appropriate correction is required.

The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference letter "R" on page 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: on line 3, insert --four-- after "two of the"; on line 5, "the arcuate" should be --each arcuate--; on line 8, insert --the-- before "arcuate" and insert --at least-- before "two"; on line 10, insert --the-- before "contiguous" and "these" should be --at least--; on page 12, insert --a-- after "around" and insert --the-- before "second".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,339,565 to Goldberg et al. (Goldberg) in view of U.S. Patent 5,609,317 to Glynn et al. (Glynn). With regards to claims 1 and 2, Goldberg discloses a strap comprising structural members (6; 3 and 8) bolted together, each of the structural members defining an arch (at 6, at 3) having horizontal flanges (5, 2) extending radially from each end of the arcuate section, the

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horizontal flanges (5) of the lower structural member (6) being bolted to the horizontal flanges (2) of the upper structural member (3 and 8), the upper structural member (3 and 8) further defining plates (8) having a pair of grooves (10; channel/groove formed between the side arms (at 8) shown in Fig. 3) for supporting the strap on the mounting surface (horizontal surface shown in Fig. 1); and means for securing the upper structural member (3 and 8) to the mounting surface (members 8 are attached to horizontal support surface by beads of weldment or adhesive as shown in Figs. 1 and 2). Goldberg does not disclose the structural members (6, 3) defining four structural members wherein at least two of the structural members define arcuate sections each having a pair of perpendicular flanges. McClellan teaches a strap (24) comprising first and second structural members (36) bolted to a third structural member (32), each of the first and second structural members including an arcuate section (see Fig. 5 generally) having a first vertical flange (see Fig. 5; 38 at top portion of 36) and a second horizontal flange (38 adjacent 28) at opposed ends, wherein the arcuate sections define an arch having an adjustable span. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have divided each of the structural members (6, 3) of Goldberg into two identical halves (such that first and second members define the arch indicated at 6 and third and fourth members define the arch indicated at 3) wherein each of the four structural members defines an arcuate section having on opposed ends a first vertical flange perpendicular to a second horizontal flange (5, 2) because one

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would have been motivated to provide a strap that is adapted to receive small or large diameter pipes as inherently taught by McClellan.


### ***Conclusion***

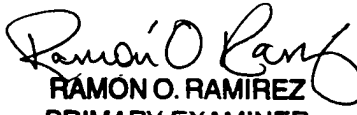
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 934663 to Folger; 2744706 to Gerdy; 3385545 to Patton; 4020531 to Ahrens et al; 4783030 to Buerhop; 4928911 to Hardtke; 5024404 to Ballard; 5163644 to Kowalski; 5799907 to Andronica; 5855342 to Hawkins et al; 6494415 to Roth; 6575412 to Klezath; 2004/0026576 to Shibuya; DE 3323187 to Dick et al; EP 328909 to Mueller

The above references disclose clamps relevant to the present invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
8/9/04

  
RAMÓN O. RAMÍREZ  
PRIMARY EXAMINER